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JAN 23 2006

Ifay F. Chang
3 Louis Drive
Katonah, N. Y. 10536

Ms. Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions
United States Department of Commerce
US Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450
Fax Number 571-273-8300

Renewed Petition under 37 CFR 1.181
Original Application No. 09/634139
Attorney Docket Number 20676-000100US

January 23, 2005

Dear SiMs Faison-Ball:

Your office response dated Dec. 21st, 2005 has been received and replied on January 5, 2006 via fax transmission. (See attachment) The referenced case, application no. 09/634139 is a clear case that has been interrupted by USPTO and placed in abandonment due to a mix-up caused by its internal office move. The examiner of the case, Mr. Thong Vu, has acknowledged that the abandonment was not due to the applicant's negligence or lack of diligence. It is the examiner who has advised the applicant to make a petition to withdraw the holding of abandonment of the cited application. There is no evidence that the applicant has been intentionally delaying the prosecution of this application.

Therefore, it is entirely surprising and unfair that the petition is dismissed citing an argument of no proof of diligence. The prior communication records supported by the examiner's statements clearly established that the applicant has been very diligent in prosecuting the case. Any fee or penalty applied to the applicant is not justified.

By this letter, the applicant respectfully request your reconsideration of this case. The case has been delayed too long which may diminish the value of this application.

Sincerely yours,


Ifay F. Chang

Attachments: Office communications related to application no. 09/634139 submitted on January 5, 2006 and Petition to Mr. Jon Dudas, October 26, 2005

Ifay Chang
320 W 3 Dr. Ave
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Ms Patricia Faison-Ball
Senior petitions Attorney
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US Patent and Trademark Office
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P.O. Box 1450
Alexandria, Va 22313-1450

CC: Thong Vu
571-273-3904 (F)

272-3904 (O)
27904

Jan. 5, 2005

Reference Application
09/634139

Dear Ms Faison-Ball:

Your office response dated Dec. 21, 2005, has just been received. I am surprised that my petition was dismissed on the ground of no proof of diligence in time by processing the applications.

My case was a clear one that the fault was due to USPTO (missing files due to a move). The case examiner was very aware of my timely response & filing of the case. I have just spoken to Mr. Thong Vu this morning. He supports my claim. In fact, he says he has my files he is just waiting for the computer system to activate the case so he can proceed. He is aware that I have communicated with him by phone & by mail from June 2004 up to now. He acknowledges that the delay was not my fault. He advised me to file the petition to ^{get} the case reactivated.

I am requesting the ^{get} petitions office to examine all the facts & reopen my case.

P.S. I have called your office & left a message as well

Sincerely yours

Ifay Chang
914-248-6770
212-248-6028 (Fax)

USPTO 10/26/2005 12:07 PM PAGE 1/001 Fax Server
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10/23/2005 15:31	19142486429	PAGE 01
<p>May F. Chang 3 Louis Drive Kameah, N. Y. 10536</p>		
<p>Mr. Jon Dudas Director United States Department of Commerce US Patent and Trademark Office Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450</p>		
<p>Application No. 09/634139</p>		
<p>October 26, 2005</p>		
<p>Dear Sir:</p>		
<p>Recently, I have received the office correspondence from the examiner's office for the patent application no. 09/634139 to petition to withdraw the holding of abandonment of the cited application.</p>		
<p>The communication records of this application herein attached clearly show that the application should not have been abandoned. It is no fault of the inventor and the applicant that the case is put in abandonment. Therefore, the purpose of this letter is to petition to withdraw the holding of abandonment for the application no. 09/634139. The applicant is looking forward to continued prosecution of the application.</p>		
<p>Sincerely yours,</p>		
<p><i>May F. Chang</i> May F. Chang</p>		
<p>Attachments: Office communications related to application no. 09/634139 filed on 8/8/2004</p>		
<ol style="list-style-type: none"> 1. Letter dated June 10, 2004 to Mr. Gregory B. Seftback to indicate the inventor's desire to continue the application after "grant" of withdrawal to the application attorney. (1 page) 2. Office action from Examiner Thong Vu, dated 5/11/2004 (cover page, 1 page) 3. Applicant's response to Office action 5/11/2004 dated June 24, 2004 responding to the examiner's comments. (3 pages) 4. Further correspondence after phone conversation with Examiner dated July 1, 2004 dealing with the revision of claims. (2 pages) 5. US Post Office certified mail receipt of the above mailing to USPTO with submissions. (1 page) 		
<p>PAGE 1/14 * RCVD AT 10/23/2005 12:42:10 PM [Eastern Daylight Time] * SVR:USPTO-EFXXF-6/37 * DNIS:2738300 * CSID:19142486429 * DURATION (mm-ss):01:36</p>		

called
 Mr. Goumt
 Dec. 16, 2005
 the case
 will be
 worked out
 as
 a petition

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